

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KEVIN MEMOLI, individually and on behalf of all others similarly situated,)	
)	
Plaintiffs,)	Case No. 08-cv-00107
	v.)	
)	Judge Virginia M. Kendall
NAVISTAR INTERNATIONAL CORPORATION,)	
DANIEL C. USTIAN, ROBERT C. LANNERT,)	Magistrate Judge Maria Valdez
MARK T. SCHWETSCHENAU, and DELOITTE)	
& TOUCHE LLP,)	
)	
)	
Defendants.)	
)	

JOINT STIPULATED ORDER

WHEREAS, on January 7, 2008, Plaintiff Kevin Memoli filed a complaint captioned *Kevin Memoli v. Navistar International Corporation, Daniel C. Ustian, Robert C. Lannert, Mark T. Schwetschenau, and Deloitte & Touche LLP, Case No. 08-cv-00107* (“*Memoli Case*”), a purported class action alleging securities fraud, which was assigned to Judge Virginia M. Kendall;

WHEREAS, on December 13, 2007, Plaintiffs Norfolk County Retirement System and Brockton Contributory Retirement System, filed a complaint captioned *Norfolk County Retirement System and Brockton Contributory Retirement System v. Daniel C. Ustian, Robert C. Lannert, Mark T. Schwetschenau, Navistar International Corporation, and Deloitte & Touche LLP, Case No. 07-CV-7014* (“*Norfolk Case*”), a purported class action alleging securities fraud, which was assigned to Judge Robert W. Gettleman;

WHEREAS, one of the parties to the *Norfolk Case* will move to reassign the *Memoli Case* as a related action to the *Norfolk Case* on Judge Gettleman’s docket, and Plaintiff in the *Memoli Case* has no objection to such reassignment;

WHEREAS, a substantially identical stipulation has already been entered by the Court in the *Norfolk* Case;

WHEREAS, Plaintiffs in the *Norfolk* Case have provided notice to potential class members of the actions and informed them of their rights to move to serve as lead plaintiff within 60 days of the date of filing of the complaint, *see* 15 U.S.C. §§ 77z-1(a)(3)(A)(i), 78u-4(a)(3)(A)(i) and published such notice on **December 17, 2007** and lead plaintiff motions are due on **February 15, 2008**;

WHEREAS, under the Private Securities Litigation Reform Act (“PSLRA”), the Court must rule on any motions to appoint lead plaintiff within 90 days of the publication of the statutory notice; *see* 15 U.S.C. §§ 77z-1(a)(3)(B)(i), 78u-4(a)(3)(B)(i);

WHEREAS, the parties believe that, for reasons of judicial efficiency and economy, Defendants should not be required to respond to the existing complaint and any further complaints that may be filed arising out of the same set of facts and circumstances as set forth in the existing complaint, individually, but rather, should withhold responding to any of these actions until after: (i) the Court has determined whether the *Memoli* and *Norfolk* cases (and any additional complaints, if any) should be consolidated; (ii) the Court has appointed lead plaintiff and lead counsel; and (iii) lead plaintiff has filed an Amended Complaint or Consolidated and Amended Complaint, if any.

STIPULATED

WHEREFORE, the parties, by and through their undersigned counsel, hereby stipulate that the Court be requested to enter an order as follows:

1. Defendants, through counsel, hereby accept service of the existing complaint and any papers or documents filed or served by plaintiffs in the above-entitled matter,

effective as of the date of this stipulation, as if service had been effected pursuant to Fed. R. Civ.

P. 4. In addition, Defendants hereby waive their defenses with respect to insufficiency of service of process. Defendants, however, do not hereby waive any objection to the venue or jurisdiction of this Court or any other defenses;

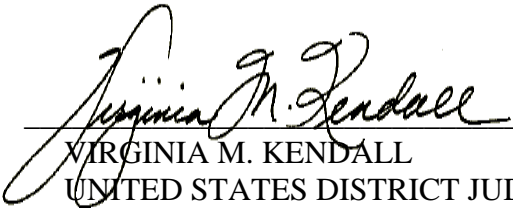
2. Defendants shall not respond to the existing complaint until after (i) the parties have moved to reassign the *Memoli* case and the Court has determined whether to consolidate the *Memoli* and *Norfolk* Cases and any subsequent cases that may be filed arising out of the same facts and circumstances as the existing complaints; (ii) the Court has entered an order appointing a lead plaintiff and lead counsel (the "Lead Plaintiff Order"); and (iii) the lead plaintiff files an Amended Complaint or Consolidated and Amended Complaint ("Amended Complaint"), if necessary;

3. Defendants shall answer or otherwise respond to the existing complaint or any Amended Complaint within 30 days after the appointment of a lead plaintiff or the filing of the Amended Complaint, whichever occurs later; and

4. If Defendants file a motion to dismiss, the lead plaintiff shall file and serve an opposition memorandum within 30 days after the filing of Defendants' motion to dismiss and Defendants shall file and serve any reply memorandum within 15 days after the filing of the lead plaintiff's opposition memorandum.

SO ORDERED.

Dated: January 30, 2008


VIRGINIA M. KENDALL
UNITED STATES DISTRICT JUDGE

IT IS SO STIPULATED:

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